

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**  
**Form 1. Notice of Appeal from a Judgment or Order of a  
United States District Court**

Name of U.S. District Court:

U.S. District Court case number:

Date case was first filed in U.S. District Court:

Date of judgment or order you are appealing:

Fee paid for appeal? (*appeal fees are paid at the U.S. District Court*)

☒ Yes   ☐ No   ☐ IFP was granted by U.S. District Court

**List all Appellants** (*List each party filing the appeal. Do not use "et al." or other abbreviations.*)

DONALD FRY, KATHERINE ARCELL, JOSE BRITO, JAN-MARIE BROWN  
ROSEMARY D'AUGUSTA, PAMELA FAUST, CAROLYN FJORD, DON  
FREELAND, MICHAEL MALANEY, LEN MARAZZO, LISA MCCARTHY,  
TIMOTHY NIEBOER, DEBORAH PULFER, BILL RUBINSOHN,

Is this a cross-appeal? ☐ Yes   ☒ No

If Yes, what is the first appeal case number?

Was there a previous appeal in this case? ☐ Yes   ☒ No

If Yes, what is the prior appeal case number?

Your mailing address:

Joseph M. Alioto, Alioto Law Firm, 1 Sansome Street, 35th Floor

City:  State:  Zip Code:

Prisoner Inmate or A Number (if applicable):

Signature  Date

*Complete and file with the attached representation statement in the U.S. District Court*

*Feedback or questions about this form? Email us at [forms@ca9.uscourts.gov](mailto:forms@ca9.uscourts.gov)*

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**Form 6. Representation Statement**

*Instructions for this form: <http://www.ca9.uscourts.gov/forms/form06instructions.pdf>*

**Appellant(s)** *(List each party filing the appeal, do not use “et al.” or other abbreviations.)*

Name(s) of party/parties:

DONALD FRY, KATHERINE ARCELL, JOSE BRITO, JAN-MARIE BROWN  
ROSEMARY D'AUGUSTA, PAMELA FAUST, CAROLYN FJORD, DON  
FREELAND, MICHAEL MALANEY, LEN MARAZZO, LISA MCCARTHY,

Name(s) of counsel (if any):

Joseph M. Alioto, Tatiana Wallace

Address: Alioto Law Firm, 1 Sansome St., 35th Floor, San Francisco, CA 94

Telephone number(s): (415) 434-8900

Email(s): josephmalimoto@aliotolaw.com , twallace@aliotolaw.com

Is counsel registered for Electronic Filing in the 9th Circuit? ☒ Yes ☐ No

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**Appellee(s)** *(List only the names of parties and counsel who will oppose you on appeal. List separately represented parties separately.)*

Name(s) of party/parties:

Capital One Financial Corporation

Name(s) of counsel (if any):

Heather S. Nyong'o, Matthew M. Yelovich, Cleary Gottlieb Steen & Hamilt

Address: 650 California St., Suite 2400, San Francisco, CA 94108

Telephone number(s): (415) 796-4400

Email(s): hnyoungo@cfsh.com; myelovich@cgsh.com

*To list additional parties and/or counsel, use next page.*

*Feedback or questions about this form? Email us at [forms@ca9.uscourts.gov](mailto:forms@ca9.uscourts.gov)*

**Continued list of parties and counsel:**

**Additional Plaintiffs:**

**TIMOTHY NIEBOER, DEBORAH PULFER, BILL RUBINSOHN,  
SONDRA RUSSELL, CLYDE STENSRUD, CHRISTINE WHALEN,  
PAMELA WARD**